

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD LEHMAN, on behalf of himself
and others similarly situated,

Plaintiffs,

v.

WARNER NELSON; WILLIAM BECK, JR.;
BRIAN BISH; KLAAS A. DeBOER;
MICHAEL G. MARSH; ROCKY SHARP;
RICHARD BAMBERGER; DENNIS
CALLIES; CLIF DAVIS; TIM DONOVAN;
HARRY THOMPSON; GARY
YOUNGHANS; CLINT BRYSON;
MICHAEL CHURCH; MICHAEL DOYLE;
GREG ELDER; GLEN FRANZ; GARY
GONZALES; CARL D. HANSON;
PATRICK POWELL; GARY PRICE; SCOTT
STEPHENS; ROGER TOBIN; and GRANT
ZADOW, in their capacity as Trustees of the
IBEW Pacific Coast Pension Plan,

Defendants.

Case No. C13-1835 RSM

ORDER GRANTING PLAINTIFFS'
MOTION FOR DAMAGES

THIS MATTER comes before the Court pursuant to Plaintiff's Motion for Damages. Dkt.
64. This Court has previously granted summary judgment for Plaintiffs in part, finding that
they are entitled to a transfer to their Home Fund of reciprocity contributions wrongfully
withheld by Defendants, as well as earnings thereon. *See* Dkt. ## 48, 51, 63. Plaintiffs now seek

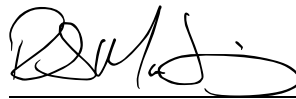
1 an award of damages consisting of \$1,911,116.49 in wrongfully withheld funds and \$562,016.28
2 in the Pacific Coast Pension Fund's earnings thereon. Defendants initially objected solely to the
3 method of calculating earnings but have since withdrawn their objections. Dkt. ## 69, 73. As the
4 Court finds the method of calculating damages appropriate, and in consideration of Defendants'
5 agreement thereto, the Court hereby ORDERS that Plaintiffs' Motion for Damages (Dkt. # 64) is
6 GRANTED.
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8 The Court further finds and ORDERS as follows:

- 9 (1) Damages in this matter for the Plaintiff Class shall equal \$2,473,132.77 as of February
10 28, 2015, which represents (1) \$1,911,116.49 in pension contributions made on Plaintiffs'
11 behalf that were wrongfully withheld by Defendants, and (2) \$562,016.28 in earnings
12 thereon, based on the IBEW Pacific Coast Funds' reported annual rates of return from
13 2008 through February 2015.
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15 (2) Earnings shall continue to accrue on this damages award at the actual rate of earnings by
16 the IBEW Pacific Coast Fund through the date that Defendants make payment on the
17 damages awarded by this Order.
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19 (3) In accordance with the Court's clarification of Plaintiffs' future rights, *see* Dkt. # 48,
20 further withholdings made by the Defendants or the IBEW Pacific Coast Fund that are
21 inconsistent with this Court's Orders in this case, along with all earnings thereon as
22 determined by the IBEW Pacific Coast Fund's actual rate of return, shall constitute
23 further damages owed to Plaintiffs in this action.
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25 (4) Because this Order disposes of the sole remaining claim in this action, the trial date and
26 related dates in this action shall be STRICKEN and this proceeding shall be CLOSED.
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28 Should Plaintiffs wish to pursue their request for attorneys' fees stated in their Amended

1 Complaint, they may do so by filing a motion for attorneys' fees within thirty (30) days
2 of the entry of this Order.

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4 Dated this 24th day of April 2015.

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7 RICARDO S. MARTINEZ
8 UNITED STATES DISTRICT JUDGE
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